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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 MICHAEL MCGINNIS and CYNDY
11 BOULTON, individually, and on
12 behalf of all others similarly situated;

13 Plaintiffs,

14 v.

15 COMMUNITY.COM, INC.;

16 Defendant.
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Civil Case No.: 2:23-cv-02426-SB-JPR

**ORDER GRANTING STIPULATION
TO DISMISS CLAIMS BASED ON
DISMISSAL IN PRIOR RELATED
MATTER**

1 Based on the Stipulation to Dismiss Claims Based on Dismissal in Prior
2 Related Matter, Dkt. No. [28](#), the Court hereby ORDERS as follows:

- 3 • Plaintiffs' First Cause of Action for Violations of CIPA, California Penal Code
4 § 631, is dismissed without leave to amend on the same terms and for the
5 reasons stated in the Court's August 2, 2021 Order granting in part and denying
6 in part the Motion to Dismiss filed in *Adler v. Community.com, Inc.*, 21-cv-
7 2416 (C.D. Cal.) [*Adler* Dkt. No. [32](#)] (the *Adler* Order);
- 8 • Plaintiffs' Fourth Cause of Action for Violations of ECPA, 18 U.S.C.
9 § 2511(1)(a), is dismissed without leave to amend on the same terms and for the
10 reasons stated in the *Adler* Order;
- 11 • The parties' arguments made with respect to these CIPA and ECPA claims in
12 the *Adler* Motion to Dismiss briefing and oral argument are incorporated by
13 reference and preserved;
- 14 • Should discovery on any remaining claims that survive Defendant's
15 forthcoming motion to dismiss reveal information that would cure the legal
16 deficiencies identified in the *Adler* Order, Plaintiffs may seek leave to amend
17 the operative complaint; and
- 18 • Unless such leave is granted, discovery will relate only to the remaining claims,
19 if any, that survive Defendant's forthcoming motion to dismiss.
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21 **IT IS SO ORDERED.**

22 Dated: July 17, 2023

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24 Stanley Blumenfeld, Jr.
25 United States District Judge
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